

**ORDINANCE NO. 10**

**SERIES 2020**

**AN ORDINANCE OF THE TOWN OF CRESTED BUTTE TOWN COUNCIL ESTABLISHING THE ZONING DESIGNATIONS FOR THE SLATE RIVER ANNEXATION; AND AMENDING THE TOWN OF CRESTED BUTTE'S OFFICIAL ZONING DISTRICT MAP FOR THE PURPOSE OF INCLUDING THE SLATE RIVER ANNEXATION.**

**WHEREAS**, the Town of Crested Butte, Colorado (the "Town") is a home rule municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the constitution and laws of the State of Colorado; and

**WHEREAS**, Cypress Foothills, LP, owner/applicant, has submitted a Petition for Annexation to the Town for the purpose of requesting annexation of a tract of land known as the Slate River Subdivision; and

**WHEREAS**, the Town Council of the Town of Crested Butte ("Town Council") adopted a resolution on the 6th day of April, 2020 finding the proposed Slate River Subdivision to be eligible for annexation to the Town of Crested Butte; and

**WHEREAS**, the Town Board of Zoning and Architectural Review has recommended that the zoning designations for properties within the proposed Slate River Annexation be zoned in accordance with the Proposed Zoning Map attached hereto as Exhibit A; and

**WHEREAS**, the Town Council finds that the proposed zoning of the properties within the Slate River Annexation meets the applicable requirements and criteria set forth in the Crested Butte Municipal Code and that the following amendment is in the best interest of the health, safety and welfare of the residents of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT:**

**Section 1.**     **Description of Property to be Zoned.** The Slate River Subdivision is legally described as follows:

A portion of a parcel of land known as Tract Q of Book 516 Page 474, Parcel 13 of Book 552 Page 63, Parcel 1 of Warranty Deed recorded at Reception No. 570819, Parcel 1 of Quitclaim Deed recorded at Reception No.570822, Parcel 1 of the Correction Warranty Deed recorded at Reception No.584439, Parcel 1 of the Special Warranty Deed recorded at Reception No.612899, and the Correction Deed recorded at Reception No.618498 all located in the SW 1/4 of Section 35, Township 13 South, Range 86 W of the Sixth PM, Gunnison County, Colorado being more particularly described as follows:



Beginning at a point on the westerly boundary of Trampe Parcel described in Book 516 Page 494 also being on the easterly right of way line of County Road 317 (Gothic Road) as recorded at Reception No. 00119 and being on the south line of the SW1/4 of said Section 35 from which the southwest Corner of said Section 35 bears N89°43'49"W a distance of 130.05 feet; thence S89°43'49"E a distance of 17.52 feet to a point on the westerly line of the Dyer Subdivision as recorded at Reception No.497990; thence along the westerly, northerly and easterly lines of said Dyer Subdivision the following six (6) courses:

- 1) N00°01'42"W a distance of 15.19 feet,
- 2) N89°58'18"E a distance of 495.36 feet,
- 3) N00°01'42"W a distance of 226.55 feet,
- 4) N61°00'00"E a distance of 620.66 feet,
- 5) S79°30'09"E a distance of 381.57 feet,
- 6) N61°00'00"E approximately 31.96 feet to the high water line of the Slate River; thence more or less along the wetland boundary on the southerly bank of the Slate River the following six (6) courses:

- 1) N66°34'01"W a distance of 53.68 feet,
- 2) N42°06'22"W a distance of 87.35 feet,
- 3) N52°37'46"W a distance of 40.69 feet,
- 4) N39°16'35"W a distance of 115.15 feet,
- 5) N32°48'09"W a distance of 178.03 feet,
- 6) N20°36'39"W a distance of 77.30' to a point on the northerly line of the Trampe Partition Parcel 13 and the southerly line of Spann Parcel 22 as described in Court Decree Amended Order of Partition as recorded in Book 552 at Page 63; thence along the northerly line of said Parcel 13 N90°00'00"W a distance of 547.26 feet to a point on the easterly right of way line of County Road 317 (Gothic Road); thence along said easterly right of way line as described in deeds recorded at Reception No.474960 and 474961 the following five (5) courses:

- 1) S46°12'21"W a distance of 116.48 feet,
- 2) S35°50'27"W a distance of 185.49 feet,
- 3) S35°50'28"W a distance of 88.19 feet,
- 4) S40°05'13"W a distance of 207.37 feet,
- 5) S39°55'42"W a distance of 238.91 feet; thence continuing along the easterly line of said right of way and westerly line of said Trampe Partition Parcel 13, 155.77 feet along the arc of a non-tangent curve to the left having a radius of 441.28 feet, a central angle of 20°13'30" and a long chord which bears S16°19'42"W a distance of 154.96 feet to a point which is common to the southwest corner of a parcel of land described in Book 518 at Page 403; thence S00°00'04"W continuing along the easterly right of way of said County Road 317 as recorded at Reception No.00119 and in accordance with Court Decree (Judgment) recorded in Book 516 at Page 494, a distance of 117.72 feet to the Point of Beginning.



Said Parcel as described above contains 14.157 acres, more or less.

All bearings shown hereon are relative to a bearing of N89°43'49"W between a GLO brass cap dated 1939 found at the southwest corner of Section 35 and a 3 1/4 inch aluminum cap stamped 18480 and dated 1995 found at the south quarter corner of Section 35.

**Section 2. Amendment of the Official Zoning District Map.** The Code and the official zoning district map of the Town of Crested Butte are hereby amended to include the Slate River Subdivision and the zoning shown on the proposed zoning map attached hereto as Exhibit A.

**Section 3. Severability.** If any section, sentence, clause, phrase, word, or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words, or other provisions of this ordinance, or the validity of this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**Section 4. Savings Clause.** Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town Council that is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED AND FIRSTS READ BEFORE THE TOWN COUNCIL THIS 6<sup>m</sup>  
DAY OF APRIL, 2020

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND HEARING  
THIS 18<sup>m</sup> DAY OF ~~APRIL~~ MAY, 2020

TOWN OF CRESTED BUTTE, COLORADO

By   
James A. Schmidt, Mayor

ATTEST:

  
Lynelle Stanford, Town Clerk





- ☐ P Public (TP1 and TP2)  
☐ P-OS Public-Open Space (TP4, TP6A, TP6B, TP7, TP8 and TP9)  
☐ R1F Residential District (Applicant Retained Land)  
☐ R4 Residential District (TP3 and TP5)